

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT DAY,

Plaintiff,

v.

RANDY O. COLBRY, et al.,

Defendants.

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Case No. 10-cv-13856

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING REPORT AND RECOMMENDATION** (docket no. 68),  
**GRANTING REQUEST TO DISMISS DEFENDANT KIM WILLIAMS**  
(docket no. 55), **AND DENYING AS MOOT WILLIAMS'S**  
**MOTION FOR SUMMARY JUDGMENT** (docket no. 38)

The Court referred Robert Day's pro se civil rights case, filed pursuant to 42 U.S.C. § 1983, to a magistrate judge for all pretrial proceedings. One of the defendants, Kim Williams, filed a motion for summary judgment. Later, Day filed a "Motion to Add and Delete Defendant" to remove Williams from the complaint and substitute other parties. The magistrate judge issued a Report and Recommendation ("Report") on the summary judgment motion and Day's "request" on January 23, 2012. The Report recommends granting Day's request, and denying Williams's motion as moot.

The Report reaches an outcome that should be mutually agreeable to both Day and Colbry. The Court sees no need to wait for objections, as it would conclude under any standard of review that the disposition of the motions recommended in the Report is proper. Accordingly, the Court will adopt the Report and dispose of the motions accordingly.

**WHEREFORE**, it is hereby **ORDERED** that the Report (docket no. 68) is **ADOPTED**.

**IT IS FURTHER ORDERED** that Day's "Motion to Add and Delete Defendant" (docket no. 55) is **GRANTED** with respect to Williams. Day's claim against Williams is **DISMISSED**

**WITH PREJUDICE.** This Order does not resolve Day's request to add defendants, as explained in the Report.

**IT IS FURTHER ORDERED** that Williams's motion for summary judgment (docket no. 38) is **DENIED AS MOOT.**

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: January 25, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 25, 2012, by electronic and/or ordinary mail.

Carol Cohron  
Case Manager